

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE
BOARD MEETING
THURSDAY APRIL 2, 2009
INDIANA GOVERNMENT CENTER SOUTH
402 W WASHINGTON STREET, CONFERENCE CENTER, ROOM A
INDIANAPOLIS, IN 46204**

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

Matthew Drury, Chairman
Samuel Frain
James Todd
Theodore Mau, Vice Chairman
John Gerlach
David McComb
Corey Ealy, State Board of Health

BOARD MEMBERS ABSENT:

Anne M. Patterson
Paul St. Pierre
Roland Cutter

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director
Kevin McDowell, Deputy Attorney General
Jeanne Tucker, Compliance Officer
Joseph Basile, Deputy Attorney General
Jason Gross, Deputy Attorney General

**MINUTES TRANSCRIBED AND
COMPILED BY:**

Tracy Hicks, Board Director

**MINUTE NO. 09-22
CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by M. Drury, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**MINUTE NO. 09-23
ADOPTION OF THE APRIL 2, 2009 AGENDA AS AMENDED**

J. Gerlach moved to adopt the April 2, 2009 agenda as amended. D. McComb seconded the motion. Motion carried.

**MINUTE NO. 09-24
ADOPTION OF THE MINUTES OF FEBRUARY 5, 2009 MEETING**

S. Frain moved to adopt the minutes of the February 5, 2009 meeting. J. Gerlach seconded the motion. Motion carried.

**MINUTE NO. 09-25
PERSONAL APPEARANCE IN COMPLIANCE WITH FINAL ORDER ACCEPTING PROPOSED FINDINGS
OF FACT, CONCLUSIONS OF LAW AND ORDER**

Eddie L. Bulerain-Govain, FD29700004, SBFCS 08-20, appeared before the board in compliance with the Final Order Accepting Proposed Findings of Fact, Conclusions of Law and Order.

MINUTE NO. 09-26

**ADMINISTRATIVE HEARING REGARDING IN THE MATTER OF NORTHEAST INDIANA
CREMATORY SOCIETY, SBFCS 08-19**

No show. S. Frain moved to table deliberations tabled until J. Tucker can find out if the new owner took over the business or just occupying the building. M. Drury seconded the motion. JT amended motion to have board send Jeanne questions for the new owner. J. Gerlach seconded the motion. Motion carried.

MINUTE NO. 09-27

**ADMINISTRATIVE HEARING REGARDING IN THE MATTER OF PHILIP ENGEL, FD08800224,
SBFCS 07-05**

S. Frain moved to issue a Notice of Proposed Default Order in the matter of Philip Engel, FD08800224, SBFCS 07-05. J. Todd seconded the motion. Motion carried.

S. Frain moved to extend the summary suspension in the matter of Philip Engel, FD08800224, SBFCS 07-05. M. Drury seconded the motion. Motion carried.

MINUTE NO. 09-28

APPLICATIONS FOR RENEWAL OF FUNERAL DIRECTOR LICENSE

William E. Henry, FD20200017 pursuant to the statutes, his license is renewed.

Malcolm P. DeVerter, FD01010648 SF/CE deny renewal.

MINUTE NO. 09-29

CONSIDERATION OF APPLICATIONS FOR RENEWAL AND PERSONAL APPEARANCES

1. Daniel F. O'Riley Funeral Home, CA19100679, Expired 3/1/98

M. Drury moved to renew. T. Mau seconded the motion. Motion carried.

2. Windler Funeral Home Inc., CA09100617, Expired 3/1/99

J. Gerlach moved to renew. D. McComb seconded the motion. Motion carried.

3. Cook Funeral Home, Inc., FH83000605, Expired 12/31/96

M. Drury moved to deny the renewal. J. Gerlach seconded the motion. Motion carried.

Sf/md add CA application. SF/MD denied CA.

4. Safarhi Matthew Brooks, FD20400002, Expired 12/31/08

SF/JT deny license

5. Clark Dennis Pulliam - Md/CE moved to approve renewal and require an examination.

MINUTE NO. 09-30

CONSIDERATION OF MOTIONS TO AMEND COMPLAINTS

M. Drury moved to grant the motion to amend the complaint in the matter of Jerry Titus, FD01009259, SBFCS 08-24. S. Frain seconded the motion. Motion carried.

S. Frain moved to grant the motion to amend the complaint in the matter of Titus Funeral Home, FH10700022, SBFCS 08-25. M. Drury seconded the motion. Motion carried.

MINUTE NO. 09-31

CONSIDERATION OF COSTS AS PROVIDED BY IC 25-1-11-18

Sf Moved to approve the costs of the proceedings in the matter of Mel G. Lamb, FD29300115, SBFCS 08-26. tm Seconded the motion. Motion carried.

MINUTE NO. 09-32

PETITIONER'S MOTION FOR ORDER COMPELLING DISCOVERY AND FOR REASONABLE EXPENSES

MD moved to approve in the matter of John Hauck, FD01001617 DM seconded.

MINUTE NO. 09-33

DELIBERATION AND POSSIBLE ISSUANCE OF FINAL ORDER

JT moved to affirm the Administrative Law Judge's Order in the matter of Douglas E. Vieth, SBFCS 09-02 SF seconded the motion. Motion carried.

MINUTE NO. 09-34

REQUEST TO REVIEW FAILED FUNERAL DIRECTOR EXAMINATION

SF Moved to approve the request to review failed funeral director examination in the matter of Charles Rox. For 15 minutes and remand to me. MD Seconded the motion. Motion carried.

MINUTE NO. 09-35

VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

Norma G. Pajda, Re: Doris Hitchings; Lang Funeral Home, FH19300014 (Revoked) \$4476.75 jg/jt approve.

Markland Funeral Home, Re: Patsy Turner; Grandview Memorial Gardens, CM40100006 – JT approve pending signature from Patsy Turner and the \$\$ amount for one vault for David Turner. SF seconded.

Ingrid Peters, Re: Grandview Memorial Gardens, CM40100006 SF/ approve orig. lawn cript 315 & company memorial 645 plus interest. Not to exceed ?? MD seconded.

Interest is always added not to exceed the current retail price to all claims from now on. No need for the board to say it. They will tell me what the current retail price is.

MINUTE NO. 06-36

CORRESPONDENCE

Jeremy J. Geiger, FD20800046, is now working with Hartzler-Gutermuth-Inman Funeral Home, FB40600022

Christopher S. Lynch, FD20800081, is no longer employed with Gehlbach & Royse Funeral Homes, Inc.

Carol Dillon, FI20800070 is no longer employed with Flanner & Buchanan Funeral Centers. She is now working with Aarron-Ruben-Nelson Meridian Hills Mortuary, FH83003174.

Jeanne Tucker, State Inspector, indicates death certificates are being filed with crematory registration numbers on line 27A rather than funeral home license numbers.

MINUTE NO. 09-37

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED

SF/MD moved to approve the continuing education sponsors and courses as follows. M. Drury seconded the motion. Motion carried.

APPLICATION FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION

Competitive Resources, Inc., 630 Napoleon Avenue, New Orleans, LA 70115

- Real Growth Overview Seminar, May 19, 2009, 6 ceu
- Real Growth Workshop 1 – What We Offer, May 20, 2009, 6 ceu

Pierce Companies, 4722 Bronze Way, Dallas, TX 75236

- Some Innovative & New Ideas in Restorative Art and Cosmetics, ongoing, 2 ceu
- The Value of Communication in Funeral Service in a Time of Tragedy, ongoing, 2 ceu
- The Funeral Professionals Role in a Mass Fatality, ongoing, 2 ceu
- What You Should Do in the Preparation Room to Keep You Out of the Courtroom, ongoing, 2 ceu
- Marketing Funeral Service to the Cremation Consumer, ongoing, 2 ceu
- What Funeral Directors Need to Know about the Preparation Room, ongoing, 2 ceu
- A Different Approach to Everyday Embalming, ongoing, 2 ceu
- How To Improve Your Communication Skills, ongoing, 2 ceu
- The Detailing of a Body and Just How Far You Should Go, ongoing, 2 ceu
- What the Crystal Ball Should Tell Us About the Future of Embalming, ongoing, 2 ceu
- A Variety of Ways to Embalm and Prepare the Infant Case, ongoing, 2 ceu
- Preparation of the Organ Donation Case, ongoing, 2 ceu
- The Right Approach to the Difficult Case, ongoing, 2 ceu
- The Importance of Ethics in Funeral Service, ongoing, 2 ceu
- Back to the Basics in Restorative Art, ongoing, 2 ceu
- Avoiding the Always/Never Syndrome, ongoing, 2 ceu
- A Detailed Look at the Art of Embalming, ongoing, 2 ceu
- Effective Communication for Funeral Service, ongoing, 2 ceu
- The Art of Embalming for Better Cosmetic Effect, ongoing, 2 ceu
- The Fine Art of Restorative Art and Cosmetics, ongoing, 2 ceu
- How Far Should We Go to Please Those We Serve, ongoing, 2 ceu

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

Batesville Casket Company, One Batesville Blvd., Batesville, IN 47006

- Caring for Yourself in Funeral Service, April 16, 2009, 4 ceu
- Funeral Service Enrichment Seminar, June 9-11, 2009, 15 ceu

Cremation Association of North America, 401 N. Michigan Ave., Suite 2200, Chicago, IL 60611

- Crematory Operator Certification, April 24, 2009, 8 ceu

D.O. McComb & Sons Funeral Homes, 1140 Lake Avenue, Fort Wayne, IN 46805

- Death, Grief & Mourning: Essential Caregiving Principles & Practices, April 22, 2009, 5 ceu

Fountain National Academy of Professional Embalming Skills, 2211 West Norton Road, Springfield, MO

- Seminar #3D, Embalming Skills Seminar, May 9-12, 2009, 23 ceu
- Seminar #3D, Embalming Skills Seminar, September 5-8, 2009, 23 ceu
- Seminar #2D, Soft Tissue Injuries Waxing & Airbrush, May 13-25, 2009, 18 ceu
- Seminar #2D, Soft Tissue Injuries Waxing & Airbrush, September 9-11, 2009, 18 ceu
- Seminar #5D, Advanced Post Mortem Reconstructive Surgery, May 16-20, 2009, 40 ceu
- Seminar #5D, Advanced Post Mortem Reconstructive Surgery, September 12-16, 2009, 40 ceu
- Seminar #4D, Advanced II Post Mortem Reconstructive Surgery, May 23-27, 2009, 30 ceu

- Seminar #4D, Advanced II Post Mortem Reconstructive Surgery, September 19-23, 2009, 30 ceu

Funeral CE, P.O. Box 850127, Richardson, TX, 75085-0127

- Effective and Ethical Communication with Seniors, online, ongoing, 10 ceu
- Maximizing Integrity in Decisions with Seniors, online, ongoing, 10 ceu

Funeral Review.com, LLC, 2201 Dr. MLK Jr. Street North, St. Petersburg, FL 33704

- People Skills Advanced, online, ongoing, 7 ceu
- Funeral Service Ethics, online, ongoing, 3 ceu
- Public Speaking, online, ongoing, 2 ceu
- The Funeral, online, ongoing, 4 ceu
- Grief Management, online, ongoing, 6 ceu

Independent Funeral Directors of Indiana, P.O. Box 158, Cloverdale, IN 46120

- The Current State and Future of Funeral Trust Investments, March 19, 2009, 2 ceu

International Cemetery, Cremation, & Funeral Association, 107 Carpenter Dr., Ste. 100, Sterling, VA 20164

- College of Cemetery Administration & Management, July 18-23, 2009, 24.5 ceu
- College of Cremation Services, July 18-23, 2009, 24.5 ceu
- College of Funeral Home Management, July 18-23, 2009, 24.5 ceu
- College of Land Management & Grounds Operations, July 18-23, 2009
- J. Asher Neel College of Sales & Marketing College of 21st Century Sciences, July 18-23, 2009, 24.5 ceu

International Conference of Funeral Service Examining Boards, 1885 Shelby Lane, Fayetteville, AR 72704 sf/md deny bold

- **International Conference of Funeral Service Examining Boards Annual Conference, February 26-27, 2009, 11.75 ceu**
- **Association of Executives of Funeral Service Boards Meeting, February 29, 2009, 4.75 ceu – not approved**
- Avian Influenza Preparedness in the Death Care Profession, February 26, 2009, .5 ceu
- Generational Issues and the Discipline Process, February 27, 2009, 1 ceu
- Can We Regulate Ourselves into Compliance? A Look at the Role of the State Board of Mortuary Science, February 27, 2009, 1 ceu
- District Meetings, February 27, 2009, 1.5 ceu
- Presentation by Cremation Association of North America, February 27, 2009
- National Prearranged Services Issue, February 27, 2009, 1 ceu
- Presentation/Panel Discussion, Pre-need Pitfalls and Successes, February 27, 2009, 1 ceu

International Order of the Golden Rule, 13523 Lakefront Drive, Earth City, MO 63045

- Current Trends in Funeral Ceremonies, March 12, 2009, 1 ceu
- What's New in Funeral Packaging, March 19, 2009, 1 ceu
- The Latest in Embalming Techniques, Restorative Arts, April 16, 2009, 1 ceu
- A Growing Need: Dealing with Cremation Families, May 21, 2009, 1 ceu
- OSHA Updates, June 18, 2009, 1 ceu
- Learning the Score, Measuring Success, April 23-25, 2009, 15 ceu

MKJ Marketing, 1501 Belcher Road South, Building B, Largo, FL 33771

- Green Opportunity, April 20, 2009, 7 ceu

Practicum Strategies, P.O. Box 1089, 8 Lenore Court, Hammonton, NJ 08037

- Employee Recruitment and Retention in Funeral Service, home study, ongoing, 4 ceu
- Embalming Chemistry, home study, ongoing, 2 ceu

Selected Independent Funeral Homes, 500 Lake Cook Road, Suite 205, Deerfield, IL 60015

- 2009 Group Meeting Series, April 26, 2009, 6 ceu
- 2009 Group Meeting Series, April 29, 2009, 6 ceu
- 2009 Group Meeting Series, May 6, 2009, 6 ceu
- Beyond the Box: Creating Experiences that Make a Difference, April 20, 2009, 6 ceu
- Beyond the Box: Creating Experiences that Make a Difference, April 27 2009, 6 ceu
- Beyond the Box: Creating Experiences that Make a Difference, May 7, 2009, 6 ceu

Sexton Wilbert Corp., 1908 West Allen Street, Bloomington, IN 47403

- How Families Make Buying Decisions, March 24, 2009, ceu

**MINUTE NO. 09-38
RULES COMMITTEE**

The committee did not meet.

**MINUTE NO. 09-39
ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 2:20 p.m.

Dated: June 4 2009
Matthew S. Drury
 Matthew Drury,
 Chairman

Attest: Tracy Hicks
 Tracy Hicks, Board Director